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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,823	04/06/2000	Stephane Herman Maes	YO999-478	9287

7590 12/22/2004

William E Lewis  
Ryan & Mason LLP  
90 Forest Avenue  
Locust Valley, NY 11560

EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/544,823

Applicant(s)

MAES ET AL.

Examiner

Douglas B Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-91 are currently pending in the application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 29, 34, 36-56, 73, 78, 80-87, and 90-91 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,088,675 to MacKenty et al..

The rejections have not changed from the office action mailed on 5/7/2004.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 5 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 6,088,675 to MacKenty et al. in view of the article entitled "New VXML Forum" posted at Cover Pages Hosted by Oasis.

6. The rejections have not changed from the office action mailed on 5/7/2004.

7. Claims 13-28 and 57-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of U.S. Patent Number 6,269,336 to Ladd et al..

8. The rejections have not changed from the office action mailed on 5/7/2004.

9. Claims 31-32 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of U.S. Patent Number 6,569,207 to Sundarsesan.

10. The rejections have not changed from the office action mailed on 5/7/2004.

11. Claims 30 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of the World Wide Web Consortium document entitled "Extensible Stylesheet Language (XSL) version 1.0" (hereinafter referred to as "XSL version 1.0 specification").

12. The rejections have not changed from the office action mailed on 5/7/2004.

13. Claims 33, 77, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of U.S. Patent Number 6,493,758 to McLain.

14. The rejections have not changed from the office action mailed on 5/7/2004.

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15. Claims 35, 79, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of U.S. Patent Number 6,456,974 to Baker et al..
16. The rejections have not changed from the office action mailed on 5/7/2004.

### ***Response to Arguments***

17. Applicant's arguments filed 8/10/2004 have been fully considered but they are not persuasive. The applicant argues that because MacKenty teaches applications authored in HTML or some other SGML format (XML, DOCBOOK, etc.) that these applications are not independent of any modality and any modality specific browser. Though HTML may only be intended to be rendered visually, MacKenty shows that it can be rendered sonically too, thus making it independent of any modality.
18. The applicant's claims are too broad to properly convey the applicant's invention. As suggested before, to differentiate the claims from the prior art it is suggested that key elements of the invention should be added to the claims such as details describing how XML is used to create the "interaction-based programming components" and how style sheets are used to render content in accordance with one or more modality-specific browsers associated with one or more computer-based devices.

### ***Conclusion***

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

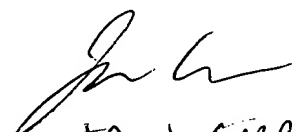
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair



JASON CARROLL  
Primary Ex.  
Apr 21 45